

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ROBERT I. REED,

Plaintiff,

9:19-CV-1203
(GTS/TWD)

v.

R. McGRATH, Corr. Offer., Franklin Corr. Fac.;
G. DUPRA, f/k/a G. Dupro; D. HEALEY, Corr. Offer.,
Franklin Corr. Fac.; D. YELLE, Corr. Offer.,
Franklin Corr. Fac.; G. SMYTHE, Corr. Offer.,
Franklin Corr. Fac.; TITUS, SR., Corr. Offer.,
Franklin Corr. Fac.; K. COMPO, Sgt./Corr. Offer.,
Franklin Corr. Fac., and K. BEDORE, Sgt./Corr. Offer.,
Franklin Corr. Fac.,

Defendants.

APPEARANCES:

OF COUNSEL:

ROBERT I. REED, 93-B-1119
Plaintiff, *Pro Se*
Bare Hill Correctional Facility
Caller Box 20
Malone, New York 12953

HON. LETITIA A. JAMES
Attorney General for the State of New York
Counsel for Defendants
The Capitol
Albany, New York 12224

LAUREN ROSE EVERSLEY, ESQ.
Assistant Attorney General

GLENN T. SUDDABY, Chief United States District Judge

DECISION and ORDER

Currently before the Court, in this *pro se* prisoner civil rights action filed by Robert I. Reed (“Plaintiff”) against the eight above-captioned employees of the New York State Department of Corrections and Community Supervision (“Defendants”) pursuant to 42 U.S.C. §

1983, are (1) Plaintiff's motion for summary judgment, (2) Defendants' cross-motion for partial summary judgment, and (2) United States Magistrate Judge Thérèse Wiley Dancks' Report-Recommendation recommending that Plaintiff's motion be denied, that Defendants' cross-motion be granted as to Plaintiff's claims against Defendant Titus, and that Defendants' cross-motion be otherwise denied (i.e., as to Plaintiff's claims against Defendant Bedore). (Dkt. Nos. 49, 53, 57.) Neither party has filed an objection to the Report-Recommendation, and the deadline by which to do so has expired. (*See generally* Docket Sheet.)

After carefully reviewing the relevant papers herein, including Magistrate Judge Dancks' Report-Recommendation, the Court can find no clear-error in the thorough Report-Recommendation:¹ Magistrate Judge Dancks employed the proper standards, accurately recited the facts, and reasonably applied the law to those facts. As a result, the Report-Recommendation is accepted and adopted in its entirety for the reasons set forth therein.

ACCORDINGLY, it is

ORDERED that Magistrate Judge Dancks' Report-Recommendation (Dkt. No. 57) is **ACCEPTED** and **ADOPTED** in its entirety; and it is further

ORDERED that Plaintiff's motion for summary judgment (Dkt. No. 49) is **DENIED**; and it is further

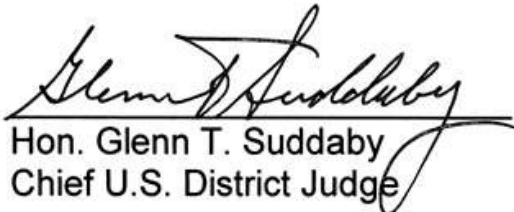
¹ When no objection is made to a report-recommendation, the Court subjects that report-recommendation to only a clear error review. Fed. R. Civ. P. 72(b), Advisory Committee Notes: 1983 Addition. When performing such a "clear error" review, "the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." *Id.*; see also *Batista v. Walker*, 94-CV-2826, 1995 WL 453299, at *1 (S.D.N.Y. July 31, 1995) (Sotomayor, J.) ("I am permitted to adopt those sections of [a magistrate judge's] report to which no specific objection is made, so long as those sections are not facially erroneous.") (internal quotation marks omitted).

ORDERED that Defendants' cross-motion for partial summary judgment (Dkt. No. 53) is **GRANTED** as to Plaintiff's claims against Defendant Titus, and otherwise **DENIED** (i.e., as to Plaintiff's claims against Defendant Bedore); and it is further

ORDERED that the Clerk of Court shall **TERMINATE** Titus, Sr., as a Defendant in this action.

The Court certifies that an appeal from this Decision and Order would not be taken in good faith.

Dated: January 27, 2022
Syracuse, New York


Hon. Glenn T. Suddaby
Chief U.S. District Judge